



**HOUSTON-GALVESTON AREA COUNCIL**  
**Request for Qualifications (RFQ)**  
**Retail Electricity Providers for HGACEnergy**  
**Solicitation Number: PS-EN-RETELEC PROV-07-22**

**The Solicitation will remain open for two (2) rounds of submissions.** Contractors selected for award in the 1st round of submissions do not need to participate in the 2nd round of submissions. Respondents can submit anytime before the submission deadlines.

EVENT	DATE
<b>ISSUED: 1<sup>st</sup> Round Submissions</b>	Wednesday, July 13, 2022
<b>QUESTIONS DEADLINE:</b>	Wednesday, July 27, 2022 @ NOON CST
<b>SHAREFILE ACCESS INVITATION REQUEST DEADLINE:</b>	Wednesday, August 24, 2022 @ NOON CST <b>Requests made after this time will <u>not</u> be accepted.</b>
<b>CLOSING DATE / SUBMISSION DEADLINE:</b>	Thursday, August 25, 2022 @ NOON CST
<b>EST. HGACEnergy COMMITTEE APPROVAL DATE:</b>	Monday, October 03, 2022
<b>EST. CONTRACT START DATE:</b>	November, 2022
<b>FORMAT:</b>	<b>One (1) electronic copy in PDF format.</b>
EVENT	DATE
<b>ISSUED: 2<sup>nd</sup> Round Submissions</b>	Wednesday, January 18, 2023
<b>QUESTIONS DEADLINE:</b>	Wednesday, February 01, 2023 @ NOON CST
<b>SHAREFILE ACCESS INVITATION REQUEST DEADLINE:</b>	Wednesday, March 01, 2023 @ NOON CST <b>Requests made after this time will <u>not</u> be accepted.</b>
<b>CLOSING DATE / SUBMISSION DEADLINE:</b>	Thursday, March 02, 2023 @ NOON CST
<b>EST. HGACEnergy COMMITTEE APPROVAL DATE:</b>	Monday, April 10, 2023
<b>EST. CONTRACT START DATE:</b>	May, 2023
<b>FORMAT:</b>	<b>One (1) electronic copy in PDF format.</b>

**Please read the submission instructions carefully, exceptions cannot be made if instructions are not followed**

**SUBMISSION:** To submit a response, Respondent must email the below information (1-4) to [purchasing@h-gac.com](mailto:purchasing@h-gac.com) to request an access invitation link to the ShareFile system where the Respondent will upload the Response. **The request for the link must be made before indicated deadline.** Link requests received after this time will **NOT** be accepted. SUBMISSIONS WILL **NOT** BE ACCEPTED BY EMAIL OR MAIL.

1. Company Name and Company Representative Name
2. Representative Email Address (for ShareFile access email invitation)
3. Subject Line: ShareFile Access Invitation Request
4. The Solicitation Number (exactly as listed above)

If technical issues with the ShareFile System arise, preventing all Respondents from submitting a response within the two (2) hours preceding the deadline, the solicitation due date and time may be automatically extended for a period of 24 hours. Any technical issue must be with the ShareFile system and affect all respondents. H-GAC will verify the technical issue or unavailability of the ShareFile system. Technical issues localized to a single Respondent will not be considered cause for an extension. **It is strongly recommended that submissions be uploaded no later than four (4) hours prior to the deadline.** H-GAC is not responsible for attempting to resolve any technical issues occurring four (4) hours before the submission deadline, nor is H-GAC responsible for incomplete or late submissions. Recording of submission time and date will occur via ShareFile. Submissions uploaded after the deadline will not be accepted or opened. Responses may be submitted any time prior to the submission deadline. To satisfy any required public opening, H-GAC will post only the names of the companies which submitted responses to the H-GAC website (<http://www.h-gac.com/procurement>) as soon as possible after the closing date.

## **SIGNATURE PAGE**

A signature below constitutes acknowledgement and acceptance of all the **Solicitation Terms and Conditions** located at <https://www.h-gac.com/getmedia/d80790aa-ac7c-466e-9849-9a457210da6e/Solicitation-Terms-and-Conditions> and can be downloaded in .pdf for review. Respondents, their authorized representative, and their agents are responsible for obtaining, and will be deemed to have, full knowledge of the conditions, requirements, and specifications of this Solicitation at the time a response is submitted to H-GAC. This Solicitation does not commit H-GAC to award a contract, issue a Purchase Order, or pay any costs incurred in the preparation of a submission to this Solicitation. The submission will become part of H-GAC's official files without any obligation on H-GAC's behalf. All Submissions will be held confidential from all parties other than H-GAC, until after a contract is executed; then submissions become available as public records.

**Note:** Submission must be signed by a duly authorized representative(s) of the respondent, which must be the actual legal entity that will perform the contract if awarded and any total fixed price contained therein will remain firm for a period of one-hundred eighty (180) days following the submission due date and can be further extended by mutual written agreement. **Respondent is REQUIRED to sign this Signature Page and return with the submitted response. An unsigned Submission will be deemed non-responsive.**

Legal Name of Entity/Individual Filed with IRS for this Tax ID Number:

Doing Business As (DBA) Name:

Is Respondent business currently a Certified Small Business (SBA), Minority (MBE) or Disadvantaged (DBE)? Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, copy of certificate must be attached.

Company Mailing Address and Billing Address (if different from company address):

City, State, Zip Code:

Tax ID Number (EIN):

DUNS Number:

Unique Entity ID (SAM.gov) **REQUIRED (See page 5):**

Contact Person:

Phone Number:

Email Address:

**Signature of the person authorized to bind Respondent company to any contract/purchase order that may result from this Solicitation and acknowledgement and acceptance of the full **Solicitation Terms and Conditions** located at <https://www.h-gac.com/getmedia/d80790aa-ac7c-466e-9849-9a457210da6e/Solicitation-Terms-and-Conditions>**

Authorized Signature:

Date:

Printed Name:

Title:

Email Address:

All clarifications to this Solicitation will be in writing and identified as a Letter of Clarification. Verbal communications and other written documents intended to clarify and interpret will not legally bind the Houston-Galveston Area Council. Only information supplied by a Letter of Clarification and posted to the H-GAC website should be used in preparing submissions. Any Letter of Clarification will be posted on the H-GAC website (<http://www.h-gac.com/procurement>) as soon as available. **H-GAC does not assume responsibility for the receipt of any Letters of Clarification by Respondent(s). Respondents must frequently check <http://www.h-gac.com/procurement> for updates.**

## **PART I –GENERAL INFORMATION**

### **Houston-Galveston Area Council (H-GAC) Background**

The Houston-Galveston Area Council (H-GAC) is the region-wide voluntary association of 133 local governments and local elected officials in the 13-county Gulf Coast Planning region of Texas. Local elected officials organized H-GAC in 1966 after authorization by State enabling legislation. Its service area is 12,500 square miles and includes more than 7-million residents. H-GAC is governed by a 36-member Board of Directors composed of local elected officials, who serve on the governing bodies of member local governments. All H-GAC programs are carried out under the policy direction of its Board of Directors. H-GAC's mission is to serve as the instrument of local government cooperation, promoting the region's orderly development and the safety and welfare of its residents. H-GAC is the regional organization through which local governments consider issues and cooperate in solving area-wide problems. Agency programs emphasize local government concerns, such as transportation, air and water quality, criminal justice, demographic analysis, mapping programs, and intergovernmental purchasing. H-GAC also serves its citizens through workforce development programs, services to the aging and elderly, and small business finance programs.

### **Objective/Purpose**

H-GAC is seeking Retail Electricity Providers (REPs) who may provide electricity services for the Texas H-GAC Aggregation Members. Respondents must have a history of successful electricity contracts with local, state, or federal government interests.

A separate contract will be executed between the HGACEnergy Corporation ("Corporation") and each REP who is issued an award by H-GAC pursuant to this solicitation. An H-GAC contracted consultant will coordinate the contract and renewal process for each Member (herein referred to as Customer) electricity procurement contracts. This includes, but is not limited to, the energy consultant providing the following support services to facilitate the execution of new Customer electricity supply and renewal contracts between the Corporation and the REP chosen by each respective Customer:

- Obtain, review and update Customer letter of authorization and account list.
- Forward Customer account data to approved Retail Electric Providers.
- Consult with Members to ascertain account needs and contract preferences.
- Communicate and coordinate contract terms and pricing requests with REPs.
- Coordinate price quotes between REPs and Members.
- Coordinate the successful execution of an energy supply agreement.
- Review and monitor the contract terms for proper implementation.

### **Solicitation Schedule**

The Solicitation will remain open for two (2) rounds of submissions as follows:

- 1<sup>st</sup> Round Submissions Due: Thursday, August 25, 2022 @ NOON CST
- 2<sup>nd</sup> Round Submissions Due (est.): Thursday, March 2, 2023 @ NOON CST

REPs selected for award in the 1st round of submissions do not need to participate in the 2nd round of submissions.

### **Contract Term**

Any contract between the Corporation and a REP will remain in effect so long as there is a supply agreement between an H-GAC Aggregation Customer and the H-GAC contracted REP, provided that REP-Customer supply agreement was executed within the bounds of this Contract. Aggregation fee payments due to the Corporation from an H-GAC contracted REP will survive termination of any contract between the Corporation and the REP.

### *HGACEnergy Aggregation Model (as managed by the HGACEnergy Consultant)*

Governmental entities join the Corporation by passing a resolution to become a Customer of the Aggregation. This resolution automatically renews every year. Once an entity has joined the Aggregation, the process is as follows:

1. The Customer provides authorization for H-GAC and the Customer designated consultant to obtain its most recent electrical usage history.
2. H-GAC and/or its consultant will provide Customer information to all pre-approved REPs having contracts with H-GAC.
3. When Customer is ready to transact, H-GAC and its consultant will notify all authorized REPs to submit pricing.
4. H-GAC and/or its consultant will discuss pricing options with Customer.
5. Customer will transact with selected REP, sign, and return appropriate contract documents.
6. REP and Customer work together on transition to new contract.
7. Transition will be monitored by H-GAC and its consultant.

### *HGACEnergy Aggregation Members*

A three-way functionality will exist between the Corporation, the REP, and each H-GAC Aggregation Customer. The Corporation acts on behalf of its Aggregation Customer in terms of soliciting contracted electricity pricing. However, the individual Customer will be the actual buyers of the electricity and will execute electricity supply contracts ("Supply Agreements", along with any H-GAC amendments containing terms applicable to the Aggregation Customers) with the contracted REPs.

Note: quotations and subsequent sales under this contract to Aggregation Customers must be framed in terms of a tax-exempt status.

### *Rights of Individual Customer Agencies*

Respondents are advised of the position of the Corporation (and by extension, its consultants) as designated agents for specific government Customers. This designation is for the products and services as stated in this solicitation. The REP is expected to offer a supply agreement to Customers, in accordance with the terms and conditions of the contract between the REP and the Corporation. Additional supply agreement language (for clarification, additional specifications, qualifications, or other conditions) will not be issued without approval of the Corporation.

### *Corporation Aggregation Fee*

The Corporation Aggregation Fee will be assessed to the Aggregation Customers through the REP contractor's billed charges. The fee is in addition to any supply and Transmission/Distribution Service Providers (TDSP) fees, or any other regulated fees. Monthly, the REP contractor will remit the fee collected from the Customers to the Corporation. REP contractors will supply a monthly summary report to the Corporation and/or its consultant detailing the Customer fee payments in the format provided by H-GAC.

### *Administrative Fees*

Both H-GAC and the consultant earn an administrative fee as a function of the Customers' use of the Energy Purchasing Corporation. The H-GAC Aggregation Fee of \$0.00045/kWh must be displayed as a separate line item on each bill that the REP issues to a Customer. This fee will then be payable monthly from the REP to H-GAC. The consultants' fee will be communicated from the consultant to the REP as a part of the pricing process, and this fee will be imbedded in the commodity and then paid directly from the REP to the consultant per the terms of the brokerage agreement between the REP and the consultant.

### **Pro Forma Contract - Terms and Conditions for Retail Supply of Electricity**

Attachment A is the *Agreement to Participate as a Retail Electricity Provider for Members of the H-GAC Energy Purchasing Corporation* (the “Contract”). This contract consists of:

- *Master Terms and Conditions for Retail Supply of Electricity to Members of the H-GAC Energy Purchasing Corporation* (the contract document binding any REP awardee and the H-GAC Energy Purchasing Corporation),
- *Participation Confirmation*, and
- *Cover Sheet*

A REP’s Supply Agreement will be included with each Participation Confirmation.

### **No Guarantee of Usage**

H-GAC makes no guarantee of volume or usage under any contract resulting from this Solicitation. Services will be requested and contracted on an as needed basis and the type and value of each assignment will vary.

### **Universal Identifier and System for Award Management (SAM)**

In accordance with 2 CFR Title 2, Subtitle A, Chapter I, Part 25 as it applies to a Federal awarding agency's grants, cooperative agreements, loans, and other types of Federal financial assistance as defined in 2 CFR 25.406. Contractor understands and as it relates to 2 CFR 25.205(a), a Federal awarding agency may not make a Federal award or financial modification to an existing Federal award to an applicant or recipient until the entity has complied with the requirements described in 2 CFR 25.200 to provide a valid unique entity identifier and maintain an active SAM registration ([www.SAM.gov](http://www.SAM.gov)) with current information (other than any requirement that is not applicable because the entity is exempted under § 25.110). 2 CFR 25.200(b) requires that registration in the SAM **prior to submitting an application or plan**; and maintain an active SAM registration with current information, including information on a recipient's immediate and highest level owner and subsidiaries, as well as on all predecessors that have been awarded a Federal contract or grant within the last three years, if applicable, at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency; and provide its unique entity identifier in each application or plan it submits to the Federal awarding agency. To remain registered in the SAM database after the initial registration, the applicant is required to review and update its information in the SAM database on an annual basis from the date of initial registration or subsequent updates to ensure it is current, accurate and complete. At the time a Federal awarding agency is ready to make a Federal award, if the intended recipient has not complied with an applicable requirement to provide a unique entity identifier or maintain an active SAM registration with current information, the Federal awarding agency: (1) May determine that the applicant is not qualified to receive a Federal award; and (2) May use that determination as a basis for making a Federal award to another applicant.

### **Pre-Award Audit**

Due to the amount and type of funding programmed for this project, H-GAC requires that a pre-award audit be conducted before the execution of a contract. The information required for this audit, in addition to a draft contract and detailed scope of work, is:

1. Detailed annual budget
2. 12-month project Schedule/Timeline
3. Itemized cost estimate by personnel job title (including hours), benefits, overhead, travel, equipment, supplies, printing and other direct expenses; and
4. Support data for the benefit and indirect rates (overhead) based on audited costs.
5. Federal OMB Form 60

**Audit**

Notwithstanding any other audit requirement, H-GAC reserves the right to conduct, or cause to be conducted, an independent audit of any transaction under the resultant contract. Such audit may be performed by the H-GAC local government audit staff, a certified public accountant firm, or other auditors designated by H-GAC and will be conducted in accordance with applicable professional standards and practices. The Contractor understands and agrees that the Contractor shall be liable to H-GAC for any findings that result in monetary obligations to H-GAC.

**Post Award Meeting**

H-GAC reserves the right to require the awarded Contractor attend a post award meeting with H-GAC staff and/or other designated persons at H-GAC offices in Houston, Texas within thirty (30) calendar days after the award. The purpose of the meeting will be to discuss the terms and conditions and to provide additional information regarding the work tasks and requirements. Awarded Contractor and H-GAC will identify specific goals, strategies and activities planned for meeting program objectives.

**Goal for Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area firms (if subcontracts are to be let)**

H-GAC has established a goal of **24%** small and minority businesses, women's business enterprises, and labor surplus area firm participation in its total annual third-party consulting opportunities. H-GAC's goal is to assure that small and minority businesses, women's business enterprises, and labor surplus area firms are used when possible in providing services under a contract. In accordance with federal procurements requirements of 2 CFR §200.321, if subcontracts are to be let, the prime contractor must take the affirmative steps listed below:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists
2. Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources
3. Dividing total requirements, when economically feasible, into smaller task or quantities to permit maximum participation by small and minority businesses, and women's business enterprises
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises
5. Using the services and assistance as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce

Nothing in this provision will be construed to require the utilization of any firm that is either unqualified or unavailable.



**Supplemental Guidance/Requirements for Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area firms (if subcontracts are to be let)**

As a recipient and sub-recipient of Federal funds, the guidance of the appropriate funding agency supplemental regulation regarding Disadvantaged Business Enterprise (DBE) programs will be incorporated as listed below, and as may be applicable. Please refer to the applicable guidance for the indicated funding source. The Small Business Administration (SBA) is the primary reference and database for information on requirements related to Federal Subcontracting <https://www.sba.gov/federal-contracting/contracting-guide/prime-subcontracting>

Funding Source	Supplemental Regulation by Funding Agency
	U.S. Department of Transportation (DOT/FAA): Title 49 of the Code of Federal Regulations, Parts 23 and Part 26. <b>Only businesses listed under the Texas Unified Certification Database Diversity Management System are qualified to meet the stated goal requirement.</b> Locate a business here: <a href="https://txdot.txdotems.com/">https://txdot.txdotems.com/</a>
	U.S. Environmental Protection Agency (EPA): Title 40 Code of Federal Regulations parts 33, Executive Order 11625, Executive Order 12138, and Executive Order 12432.
	U.S. Department of Housing and Urban Development (HUD): HUD Acquisition Regulations (HUDAR) HUDAR, dated January 21, 2000, Parts 2419 and 2426.
	U.S. Department of Labor (DOL): Title 48 of the Code of Federal Regulations, Chapter 29, Parts 2900-2999.
	U.S. Department of Commerce (DOC): Title 48 of the Code of Federal Regulations, Chapter 13, Subchapter D.
X	U.S. Department of Energy (DOE): Title 48 of the Code of Federal Regulations, Chapter 9, Subchapter D.
	U.S. Department of Agriculture (USDA): Title 48 of the Code of Federal Regulation, Chapter 4, Subchapter D.
	U.S. Department of Homeland Security (DHS) including FEMA: Title 48 of the Code of Federal Regulation, Chapter 30, Subchapter D.
	U.S. Department of Health and Human Services (DHHS): Title 48 of the Code of Federal Regulation, Chapter 3, Subchapter D.
	U.S. Department of Justice (DOJ): Title 48 of the Code of Federal Regulation, Chapter 29, Subchapter D.
	U.S. Department of the Treasury (USDT): Title 48 of the Code of Federal Regulation, Chapter 10, Subchapter D, Part 1022.

Additional Resources for Socio-Economic Databases/Programs - The entities and programs linked below can also be searched or contacted for assistance in locating a small business if no funding agency is indicated above.	
<a href="#">City of Houston, Office of Business Opportunity</a>	<a href="#">Women's Business Enterprise National Council (WBENC)</a>
<a href="#">City of Austin, Small Business Development</a>	<a href="#">National Women Business Owners Corporation</a>
<a href="#">Corpus Christi Regional Transportation Authority</a>	<a href="#">National Minority Supplier Development Council (NMSDC)</a>
<a href="#">North Central Texas Certification Agency</a>	<a href="#">U.S. Women Chamber of Commerce</a>
<a href="#">South Central Texas Certification Agency</a>	<a href="#">U.S. Department of Transportation DBE Program</a>
<a href="#">Texas Department of Transportation</a>	<a href="#">SBA Women-Owned Small Business (WOSB) Program Certification</a>
<a href="#">The Small Business Administration</a>	

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## **PART II – SCOPE OF WORK/SPECIFICATIONS**

H-GAC expects all REPs to work with the HGACEnergy Consultant selected by the Customer to perform, at a minimum, the following example services in partnership with the HGACEnergy Consultant:

- Provide timely and accurate pricing quotations when establishing initial contract pricing.
- Process letters of authorization and Electric Service Identifier (ESI-ID) lists for pricing.
- Provide copies of executed contracts for respective Customers and the Corporation.
- Provide account management support for all contracted Customers.
- Provide general customer service support access numbers for all contracted customers
- Provide all specific Data to the Corporation on time needed to complete the required annual Public Utility Commission (PUC) Aggregator report.
- Provide amendment process guidelines to add or delete ESI-IDs from a contract.
- Provide ESI-ID switch report and expected date of first invoice following contract execution.
- Provide a waiver of deposit, or other credit assurance, for Customers, unless unsatisfactory credit report is obtained.
- Provide updates to the Corporation of any additions or changes to Customer contacts, billing address or mailing address information.
- Notify the Corporation prior to any disruption of service related to maintenance or billing issues.
- Notify the Corporation of any Customer complaints recorded, especially PUC escalated complaints.
- Notify the Corporation prior to executing any contract amendments.
- Assign adequate staff to perform its obligations hereunder and under any supply agreements with Aggregation Customers

### **Purchase Obligation**

HGACEnergy Purchasing Corporation Program is a voluntary program; therefore, Customers are not obligated to purchase any of the services on a contract that may result from this solicitation.

### **Licensing and Permits**

Successful Respondents must be compliant with all licensing, permitting, registration and other legal regulatory requirements imposed by any governmental authority having jurisdiction. It is the Respondent's responsibility to ensure this requirement is met. Respondent must supply to H-GAC, upon request, copies of any license, permit, or other documentation bearing compliance hereunder.

### **Monthly Reporting**

Successful Respondents must provide a monthly usage report to the Corporation consisting of, at a minimum, the following data:

- Account Name
- Contract Start Date
- Contract End Date
- Date Contract Signed
- ESID #
- Supply Rate per kWh (kilowatt hours)
- Monthly kWh
- HGACEnergy Fee (\$0.00045 per kWh)



### **PART III –SUBMISSION CONTENTS**

Submissions must include the information described below. Staff resumes, and any additional forms, can be included as an appendix to the submittal and do not count towards any section page limits noted below.

#### **A. Summary Letter**

This letter must include a summary of key aspects of the contractor's qualifications and must indicate the Respondent's commitment to provide the services proposed and certify that all statements and information prepared and submitted in the response to this Solicitation are current, complete, and accurate; and that the proposed solution for the project meets all the requirements of this Solicitation. (Maximum 1 page)

#### **B. Signature Page all Forms as Listed on last page of this Solicitation**

Submit completed and signed Signature Page (located on page 2) and all required/applicable forms of the checklist provided on the last page of this solicitation. Submission will be deemed non-responsive and will not be considered for evaluation if the submission is not signed.

#### **C. Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Affirmation Form**

Complete and sign the applicable section (A, B, or C) of the Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Affirmation Form. Respondent must identify the small and minority businesses, women's business enterprises, and labor surplus area firms' participation level and the role that each small and minority business, women's business enterprises, and labor surplus area firm will have in the project implementation. Since small and minority businesses, women's business enterprises, and labor surplus area firms' proposed are considered part of the team, the Respondent must include all relevant information necessary to effectively perform the evaluation of the response as it relates to the submission requirements listed in this section. Nothing in this provision will be construed to require the utilization of any small and minority businesses, women's business enterprises, and labor surplus area firm that is either unqualified or unavailable. **The applicable section of this form must be completed, signed and returned with the submission, failure to return this signed form and any applicable required good faith effort documentation may result in the submission being deemed non-responsive.**

#### **D. Company History, Capabilities and Related Experience**

- Provide a brief history of the company, including date the company was founded and length of time the company has been providing the types of services listed herein.
- Number of years in the energy sales business in Texas, nationally, and internationally.

#### **E. Business Qualifications**

- Provide your Texas Public Utility Commission REP registration number.
- Describe your organization's business structure (i.e., Corporation, LLC, LP, divisions, interests).
- Is your business eligible to serve all deregulated areas in Texas?
- Approximately how many "local government" customers do you service in Texas?
- Are you currently participating in any other cooperative purchasing programs and/or aggregations? If so, state which ones.
- Explain any energy efficiency or other projects you can offer in conjunction with an electricity contract.
- List any Customer groups, outlined as eligible for the HGACEnergy program, to which your entity cannot provide service.

**F. Project Organization and Management Plan**

Submit a project organization and management plan that includes project staffing with an indication of the personnel to be involved, their respective roles, and person-hours by task dedicated to the project. A general summary of the approach to be used in accomplishing the work must be given. Describe functions and responsibilities of the firms and staff involved. Submissions must clearly delineate all individuals, by names and titles that will be working on this plan and their areas of responsibility. If substitutes or back-up personnel are planned on a contingency basis, they must be indicated in the plan.

**G. Risk Management**

- Describe your organization's Risk Management program and strategy.
- What percentage of your organization's portfolio is hedged?
- Describe the survivability of your organization's secured hedges and verify that these hedges are not subject to withdrawal or loss at any time.
- Describe your organization's access to primary and secondary credit line instruments and list the secured nominations of significant credit lines.
- Describe your organization's indemnification policy in the event of default, loss of REP status, or any other event leading to the inability to serve H-GAC Aggregation Customers.
- Describe your organization's ability to avoid a market default or exit related to the loss of a supplier of hedge.
- List any administrative agency and/or court ordered penalties or other sanctions levied against your organization within the last three (3) years.

**H. Customer Satisfaction**

Submit the results of the 'Complaint Scorecard' compiled by the Public Utility Commission of Texas for Respondent for the period starting January 2017. Provide a narrative description of how the customer service systems and assets to be assigned to the Program will provide higher than average levels of customer satisfaction including a commitment to making specific enhancements to customer service assets in the event the "Complaint Scorecard" ratings for the Respondent falls to a two-star designation for more than a one-month duration. Additionally, the Respondent must submit a statement indicating that it will maintain customer information as confidential in accordance with applicable state laws governing utility customer data.

**I. Sample Contract**

Provide a sample of the standard form contract used with governmental entities ("supply agreement") and any related exhibits addendums associated with the energy contract. Any such sample agreement for the supply of electricity should contain the business's most recent retail sales contract terms and conditions that the REP proposes for use with the Aggregation Customers.

**J. References and Examples of Work**

Submit at least three (3) non-H-GAC and relevant examples of previous work performed for those references listed to substantiate the qualifications and experience requirements for all similar services completed within the past thirty-six (36) months. References must illustrate respondents and project manager's ability to provide the services outlined in the scope of services. References must include name, point-of-contact, telephone number, and dates services were performed. H-GAC's evaluation team will be the sole judge of references.

**K. Additional Information (10-page maximum)**

Submit additional information Respondent deems pertinent to demonstrating qualifications and/or experience to perform the services being requested such as memberships in any professional associations, documents, examples, and others. (Maximum 10 pages)

## **PART IV – EVALUATION, SELECTION AND AWARD**

### **Evaluation**

An evaluation committee may consist of representatives from H-GAC and other stakeholders. The committee members will individually evaluate and numerically score each submission in accordance with the evaluation criteria section of this Solicitation.

### **Selection/Award Recommendation**

Submissions will be evaluated based on a total top score of 100. Respondents with a score of at least 80 may be eligible for a contract award recommendation, at the sole discretion of H-GAC.

Upon completion of the initial evaluation, the committee will develop a short list of no less than two (2) Respondents. The short-listed Respondent(s) will be scheduled for a structured interview. Such presentation will be at no cost to H-GAC. At the end of the oral presentation, demonstration and/or interview, the evaluation of the short-listed Respondent(s) will be completed, and the evaluation committee will rank each submission on the total score.

Upon review of all information provided by Respondents, the evaluation committee will rank each submission. H-GAC intends to select the submission(s) that best meets the needs of H-GAC, and other stakeholders to be determined.

### **Approval and Final Award**

A recommendation will be presented to the HGACEnergy Board for approval to negotiate, and execute, a contract with the ranked Contractors in descending order. H-GAC reserves the right to award based on the best interests of H-GAC, whether that be single or multiple awards. However, the final approval and selection of award lies with the Board of Directors. H-GAC reserves the right to delay that date as needed and to reject any and all submissions as deemed in its interest.

### **Debriefing**

Requests for a debriefing must be made in writing to [purchasing@h-gac.com](mailto:purchasing@h-gac.com) within five (5) working days after notification of non-selection. H-GAC reserves the right to not conduct debriefings if requests are made after that time. This procedure is NOT available to Respondents who did not participate in the selected Solicitation, to non-responsive or non-timely Respondents, or when all submissions are rejected.

### **Presentation/Demonstration/Interview**

The evaluation committee reserves the right to request and require that each Respondent provide a final presentation/demonstration/interview regarding submission at a scheduled date and time. No Respondent is entitled to this opportunity, and no Respondent will be entitled to attend the presentation/demonstration/interview of any other Respondent. The purpose of the presentation/demonstration/interview is to inform the work of the evaluation committee. If necessary, Respondents may be required to make more than one presentation/demonstration/interview.

### **Best and Final Offer (BAFO)**

H-GAC reserves the right to request a Best and Final Offer from finalist Respondent(s), if it deems such an approach necessary. In general, BAFO would consist of updated costs and answers to specific questions that were identified during the evaluation. If H-GAC chooses to invoke this option, Submissions would be re-evaluated by incorporating the information requested in the BAFO document, including costs, and answers to specific questions presented in the document. The specific format for the BAFO would be determined during evaluation discussions. Turnaround time for responding to a BAFO is usually brief (i.e., five (5) business days).

## **PART V – EVALUATION CRITERIA**

### **Responsiveness (Pass/Fail)**

Submission must be responsive to all material requirements that will enable the evaluation committee to evaluate submissions in accordance with the evaluation criteria to make a recommendation to H-GAC officials. This includes a signed signature page by a person authorized to bind the company to any contract/purchase order that may result from this Solicitation; and if subcontracting, may include the completed Small and Minority Business Affirmation Form.

### **Qualifications, Experience, and Capability (40%)**

Demonstrated experience, qualifications and capability of the proposed team, key team members and other personnel as evidenced by statement of experience and resumes. Demonstrated effective organizational structure and relevant experience on similar projects with public entities. Evidence that the contractor meets the minimum qualification and ability to comply with all contractual requirements. Demonstrated understanding of the needs of H-GAC and Customer, and quality of the response as it relates to HGAC Energy Aggregation program. Presentation of additional services, ideas, or products that will benefit H-GAC and its Customers.

### **Project Management, Organizational Structure and Key Personnel (35%)**

Demonstrated qualified Project Manager. Demonstrated effective organizational structure. Key personnel assigned to the project possess necessary qualifications and be able to perform the work within the projected time frame.

### **Risk Management (10%)**

Risk management strategy is acceptable and risk factors are minimal.

### **Customer Satisfaction (10%)**

Demonstrated customer satisfaction as evidenced by PUC complaint scorecard and additional narrative.

### **References and Examples of Work (5%)**

Demonstrated record of timely performance, quality and integrity as evidenced by a list of client references for similar projects and budgets and relevant samples of work provided. Demonstrated ability to complete work without change orders, extensions, and/or budget revisions. Sample contract is provided.

## **PART VI – INSTRUCTIONS TO RESPONDENTS**

### **Pre-Proposal/Response Conference**

A pre-proposal/response conference will not be held for this Solicitation.

### **Inquiries and Additional Information**

Respondents must submit questions by e-mail to [Purchasing@h-gac.com](mailto:Purchasing@h-gac.com) by the Questions deadline, any questions received after the deadline will not be answered. Telephone inquiries will not be accepted. H-GAC will respond as completely as possible to each question. Questions and answers will be posted on the H-GAC website (<http://www.h-gac.com/procurement>) as soon as available. The names of respondents who submit questions will not be disclosed.

### **Letter(s) of Clarification**

All clarifications to this Solicitation will be in writing and identified as a Letter of Clarification. Verbal communications and other written documents intended to clarify and interpret will not legally bind H-GAC. Only information supplied by a Letter of Clarification posted at <http://www.h-gac.com/procurement> should be used in preparing a response. **H-GAC does not assume responsibility for the receipt of any Letters of Clarification by Respondent(s). Respondents must periodically check the website for updates.**

### **Examination of Documents and Requirements**

Each Respondent must carefully examine all Solicitation documents and become thoroughly familiar with all requirements prior to submission to ensure the response meets the intent of this Solicitation. Respondent is responsible for making all investigations and examinations that are necessary to ascertain conditions affecting the requirements of this Solicitation. Failure to make such investigations and examinations will not relieve the Respondent from obligation to comply, in every detail, with all provisions and requirements of the Solicitation.

### **Modification of Submission (Before Deadline)**

Respondents may modify submissions that have already been submitted by providing a written modification to H-GAC. However, no submissions may be modified after the deadline.

### **Non-Responders to Solicitation**

If unable to submit a response, please email [Purchasing@h-gac.com](mailto:Purchasing@h-gac.com) and advise the reason.

### *Resolution of Protested Solicitations and Awards*

Any Respondent who is aggrieved in connection with a purchase transaction may file a grievance. The grievance may be filed at any phase of the procurement, and up to five (5) days after the H-GAC Board of Directors public agenda is posted for action regarding the questioned item. Grievances filed more than five (5) working days after action by the H-GAC Board of Directors will not be deemed timely and will not be considered. In order for a Respondent to enter the grievance process, a written complaint must be sent to the Deputy Assistant Director of H-GAC by certified mail and sent to 3555 Timmons Lane, Houston, Texas 77027, which includes the following:

1. Name, mailing address and business phone number of the complainant.
2. Appropriate identification of the procurement being questioned.
3. A precise statement of the reasons for the protest.
4. Supporting exhibits, evidence, or documents to substantiate any claims.

The grievance must be based on an alleged violation of H-GAC's Procurement Procedures, a violation of State or Federal Law (if applicable), or a violation of applicable grant or contract agreements to which H-GAC is a party. Failure to receive a procurement award from H-GAC in and of itself does not constitute a valid grievance. Upon receipt of grievance, the Deputy Executive Director will initiate the informal resolution process.

The Procurement and Contracts Department will contact the complainant and all interested parties and attempt to resolve the allegations informally within ten (10) working days from the date of complaint. If the allegations are successfully resolved by mutual agreement, documentation will be forwarded to the Deputy Executive Director of the resolution with specifics on each point addressed in the original complaint.

If the Procurement and Contracts Department is not successful in resolving the allegations, the complaint, along with the comments, will be forwarded to the Deputy Executive Director immediately. The Deputy Executive Director will review all documentation. All interested parties will be given written notice of the date, time, and place of hearing and an opportunity to present evidence. A written decision will be issued within five (5) working days after the hearing along with notice of appeal rights.

The complainant may appeal the Deputy Executive Director's decision by submitting a written appeal, within five (5) working days, to the Executive Director of H-GAC. The Executive Director, upon receipt of a written notice of appeal, will contact the complainant and schedule a hearing within ten (10) working days. The Executive Director of H-GAC has the option of appointing a Hearing Officer to preside over the hearing. If appointed, the Hearing Officer will conduct a hearing and forward a summary and recommended resolution to the Executive Director.

The decision reached by the Executive Director or his designee will be final and conclusive. This decision will be forwarded to the complainant in writing within thirty (30) working days.

The Respondent may, if it elects to do so, appeal the final and conclusive decision of the Executive Director to a court of competent jurisdiction.

### *Resolution of Protested Solicitations and Awards for Workforce Solicitations*

Following the final decision by the H-GAC Board of Directors, a respondent may file a protest with the Texas Workforce Commission. The Commission reviews protests only after H-GAC's process has been exhausted. Protests filed with the Commission are limited to the following issues: (a) violation of federal law and regulation, and/or (b) violation of protest procedures or failure to review a protest. To file a protest on this level, write to Workforce Quality Assurance Manager, Houston-Galveston Area Council, Post Office Box 22777, Houston, Texas, 77227-2777, 713-627-3200.



## **PART VII – REQUIRED FORMS TO SUBMIT WITH RESPONSE**

	Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Affirmation Form (if subcontracts are to be let)
	Signed Signature Page (located on Page 2)

## **PART VIII - REQUIRED FORMS IF AWARDED A CONTRACT**

	Certification Regarding Debarment, Suspension, and Ineligibility
	(External Form) Conflict of Interest Form CIQ (if a conflict exists) (refer to link Part VII, DD)
	(External Form) Certificate of Interested Parties – Form 1295 (refer to link Part VII, DD)
	Certification Regarding Lobbying
	Copy of W-9

Download Forms: <https://www.h-gac.com/procurement>

## **PART IX – SOLICITATION TERMS AND CONDITIONS**

**By submitting a response to this Solicitation, respondent agrees that it has read and fully intends to comply with the terms and conditions of this solicitation as applicable to any subsequent contract or funding agency requirements or agreements. Exceptions to these Terms and Conditions are not permitted. Please view the full Terms and Conditions located here: <https://www.h-gac.com/getmedia/d80790aa-ac7c-466e-9849-9a457210da6e/Solicitation-Terms-and-Conditions>**